

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:  
Lindahl et al.

Appl. No. 10/822,734

Confirmation Number: 4621

Filed: April 13, 2004

For: OPTICAL SYSTEM (as amended)

Art Unit: 3662

Examiner: B.E. Gregory

Atty. Docket No. 69993-254121

Customer No.

26694

PATENT TRADEMARK OFFICE

**Response to Notice of Non-Compliant Amendment**

Assistant Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

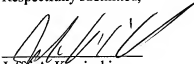
In response to the Notice of Non-Compliant Amendment mailed May 12, 2009, a copy of which is attached hereto, Applicants submit the following. The Notice indicates that each claim listing is incorrect. Specifically, claims 14 and 17 states "optical state" instead of "optical system".

As respectfully submitted that the amendment is compliance with 35 C.F.R. 1.121. Entry of the amendment is respectfully requested. Please do not hesitate to contact the undersigned by telephone if there are any additional problems with the amendment.

No fees are believed to be required. However, if the Office deems that any fees are necessary, authorization is hereby granted to charge any required fees to Deposit Account No. 22-0261.

Date: 7/26/09

Respectfully submitted,

  
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# **Notice of Non-Compliant Amendment (37 CFR 1.121)**

Application No.

10/822,734

Examiner

Bernarr E. Gregory

Applicant(s)

LINDGREN, MIKAEL

Art Unit

3662

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

The amendment document filed on 06 May 2009 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
  - ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_.
- ☐ 2. Abstract:
  - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_.
- ☐ 3. Amendments to the drawings:
  - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other \_\_\_\_\_.
- ☒ 4. Amendments to the claims:
  - ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: See Continuation Sheet.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):  
\_\_\_\_\_

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

## **TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:**

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the entire corrected amendment must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the corrected section of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

Failure to timely respond to this notice will result in:

- Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or
- Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

/Bernarr E. Gregory/  
Primary Examiner, Art Unit 3662

Continuation of 4(e) Other: The text of the claim listing is incorrect. On line 1 of each of claims 14 and 17, there is a typographical error in that "optical state" is written instead of "optical system," where such changes have never been made in a previous amendment to claims 14 and 17.